

ORDINANCE NUMBER O-19729 (NEW SERIES)

DATE OF FINAL PASSAGE April 8, 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW ARTICLE 8, DIVISION 1, SECTIONS 148.0101, 148.0102, 148.0103, 148.0104, AND 148.0105, AND NEW DIVISION 2, SECTION 148.0201; AND ADOPTING THE 2007 CALIFORNIA MECHANICAL CODE AND ASSOCIATED MUNICIPAL CODE AMENDMENTS.

WHEREAS, the California Building Code, 2007 Edition, has been published by the California Building Standards Commission, and amended by the State Department of Housing and Community Development, the Division of the State Architect/Access Compliance, the State Office of Statewide Health Planning and Development and the State Fire Marshal; and

WHEREAS, every three years the City of San Diego adopts by reference the latest edition of the California Building Standards Code pursuant to Health and Safety Code section 17922; and

WHEREAS, this is done in coordination with the State of California's adoption of these codes, and this procedure provides an additional opportunity to modify local regulations based on local findings; and

WHEREAS, the State adopted the 2006 Uniform Mechanical Code as the basis for the 2007 California Mechanical Code; and

WHEREAS, this ordinance amends certain San Diego Municipal Code Chapters and Articles so as to adopt by reference the 2007 Edition of the California Mechanical Code (2006 UMC with State amendments); and

WHEREAS, Section 17958 of the California Health and Safety Code provides that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the California Building Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California Health and Safety Code provide that a city or county may make such changes or modifications to the requirements contained in the California Building Code which are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, certain amendments have been recommended by the City of San Diego Board of Building Appeals and Advisors and the City of San Diego Planning Commission as changes or modifications in the requirements of the California Building Code which are reasonably necessary because of local climatic, geological and topographical conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Findings

The Council of the City of San Diego expressly finds and declares in accordance with California Health and Safety Code section 17958.5 that the amendments, additions, and deletions incorporate changes and modifications which are reasonably necessary because of the following local climatic, geological and topographical conditions:

1. Climatic

The City of San Diego experiences periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire Department commits large numbers of fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting

resources may have great difficulty controlling fires in structures. Years of drought and San Diego's semi-arid natural environment have increased the combustibility of vegetation. The hot dry weather in combination with Santa Ana winds creates very dangerous conditions to the region including the City of San Diego.

2. Geological

The City of San Diego is situated near three major earthquake faults, each capable of generating quakes with a magnitude of 7.0. These faults are the Elsinore Fault, Northeast of the City; the Rose Canyon Fault which extends from La Jolla Cove, through Rose Canyon and into downtown San Diego; and the Coronado Banks Fault which extends in a Northwest/Southeast direction, just off coast. The City of San Diego is subject to seismic events. Seismic events do three things simultaneously: 1. They disrupt the water supply and damage sprinkler systems; 2. They cause ignitions from a variety of sources; 3. They overwhelm the emergency response system instantly and on a large-scale. The most severe threat from earthquakes is damage to and the collapse of buildings and other structures due to ground movement. There is a distinct concern that fires may be caused by an earthquake because of damage to gas and power lines and the unavailability of sufficient water supply to control fires based on broken water mains.

3. Topographical

Access to vegetation is made difficult by terrain that includes hills, mountains and canyons creating a delay for emergency personnel in the extinguishment of a fire area. The City of San Diego has over 900 linear miles of wildland urban interface, where back yards of homes meet the natural vegetation (coastal sage scrub and chaparral) in canyons.

Section 2. That Chapter 14, of the San Diego Municipal Code, is amended by adding new Article 8, Division 1, Sections 148.0101, 148.0102, 148.0103, 148.0104, and 148.0105, and by adding Division 2, Section 148.0201, to read as follows:

Article 8: Mechanical Regulations

**Division 1: Adoption and Applicability of the
Mechanical Regulations**

§ 148.0101 Purpose of the Mechanical Regulations

The purpose of these regulations is to reduce hazards to life and property from the use of heating, ventilation, air conditioning and refrigeration systems and appliances.

Consistent with the above safeguards, it is intended and encouraged that these systems and appliances, together with their installation, quality, materials, maintenance, repair, assembly, and manufacture, provide a high degree of comfort, convenience, and service to the users and at the same time reduce the cost of housing for the people of the City of San Diego.

§148.0102 When the Mechanical Regulations Apply

- (a) The requirements of this article apply to all privately owned mechanical installations except installations in hospital buildings as defined in California Health and Safety Code Section 129725.

- (b) Administration and enforcement of the Mechanical Regulations are regulated by the applicable provisions of Chapters 11 and 12.

§148.0103 Adoption of the 2007 California Mechanical Code

- (a) Except as provided in Section 148.0104, the 2007 California Mechanical Code, published and amended by the California Building Standards Commission (BSC) and as amended by the California Department of Housing and Community Development [HCD]; the Division of the State Architect-Access Compliance [DSA/AC]; the State Office of Statewide Health Planning and Development [OSHPD3]; and the State Fire Marshal [SFM], a copy of which is on file in the office of the City Clerk as Document No. OO-_____, is adopted by reference.
- (b) When reference is made to the California Mechanical Code, it shall be the 2007 California Mechanical Code, California Code of Regulations Title 24, Part 4 as published by the California Building Standards Commission and adopted by the City of San Diego.
- (c) Application. The amendments made by the state agencies to the model code and incorporated into the California Mechanical Code are applicable only to those occupancies or uses which the state agency making the amendments is authorized to regulate, as listed in Section 101.3, 102, 108, 109.1 and 110.3 of the 2007 edition of the California Mechanical Code. The Building Official shall only enforce those amendments made by the following state agencies:

- (1) California Building Standards Commission.
- (2) The Department of Housing and Community Development (HCD 1, HCD 1/AC).
- (3) Division of the State Architect, Access Compliance (DSA/AC).
- (4) Office of the State Fire Marshal (SFM).
- (5) Office of Statewide Health, Planning and Development (OSHDP3).
- (6) California Energy Commission (CEC).

§ 148.0104 Additions to the 2007 California Mechanical Code Adopted by the City of San Diego

The following sections or sub-sections have been added to the 2007 California Mechanical Code regulations by the City of San Diego:

- (a) None.

§148.0105 Exemptions from a Mechanical Permit

- (a) A mechanical permit is not required for the following structures or activities:

- (1) Structures placed in public streets, alleys and sidewalks, except those regulated by Chapter 31 and 32 of the California Building Code.

- (2) Work done by employees of the City on City-owned or leased buildings.
 - (3) A portable heating appliance, portable ventilating equipment, a portable cooling unit, or a portable evaporative cooler.
 - (4) A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by the 2007 California Mechanical Code.
 - (5) Replacement of any component part of assembly of an appliance that does not alter its original approval and complies with other applicable requirements of the 2007 California Mechanical Code.
 - (6) Refrigerating equipment that is a part of the equipment for which a permit has been issued pursuant to the requirements of the 2007 California Mechanical Code.
 - (7) A unit refrigerating system.
- (b) Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of the 2007 California Mechanical Code or other laws or ordinances of the City of San Diego.

§ 148.0106 Adoption of Appendices to 2007 California Mechanical Code

(a) The following Appendix Chapters of the 2007 California Mechanical Code not adopted by a State agency as identified in Section 148.0103 and the adoption matrices of the 2007 California Mechanical Code are adopted by the City of San Diego:

(1) None.

(b) The following Appendix Chapters of the 2007 California Mechanical Code adopted by a State agency as identified in Section 148.0103 and the adoption matrices of the 2007 California Mechanical Code are adopted by the City of San Diego:

(1) Appendix A - Uniform Mechanical Code Standard Nos. 2-2, 6-2, and 6-5.

(2) Appendix B - Procedures to be Followed to Place Gas Equipment in Operation.

(3) Appendix C - Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.

(4) Appendix D - Unit Conversion Tables.

Article 8: Mechanical Regulations

**Division 2: Text of Local Modifications and Additions to the
2007 California Mechanical Code**

**§ 148.0201 Local Modifications and Additions to Chapter 4 “Ventilation Air Supply” of
the California Mechanical Code.**

- (a) Chapter 4 of the 2007 California Mechanical Code has been adopted
without change pursuant to Section 148.0104 of the Land Development
Code.

Section 3. All of the provisions of the San Diego Municipal Code adopted by the City of
San Diego that are in conflict with the provisions of this ordinance are hereby repealed

Section 4. That a full reading of this ordinance is dispensed with prior to its final
passage, a written or printed copy having been available to the City Council and the public a day
prior to its final passage.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Rachel Lipsky
Deputy City Attorney

RL:pev
02/07/08
03/03/08 COR.COPY
Or.Dept:DSD
O-2008-99
MMS #5831

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor